

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

SANGAMO ELECTRIC COMPANY

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -1915

Decision No. CU-423

Appeal and objections from a Proposed Decision entered October 4, 1967.
No oral hearing requested.

Hearing on the record held on January 3, 1968.

FINAL DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$8,701.73, was presented by SANGAMO ELECTRIC COMPANY and is based upon the asserted loss of payment for merchandise shipped to Cia Cubana de Electricidad, 100 Church Street, New York, New York for export to Cuba. Under date of October 4, 1967, the Commission issued its Proposed Decision denying the claim for the reason that the Commission was without authority to consider the claim because claimant neither alleged nor submitted evidence to establish that the claimed debt of Cia Cubana de Electricidad, a corporation organized in the United States, was a charge on property which was nationalized, expropriated, intervened, or taken by the Government of Cuba as required by Section 505(a) of the Act.

Claimant objected to the findings of the Commission alleging that the claimed debt was in fact a charge on property of the Cia Cubana de Electricidad which was taken by the Government of Cuba.

Thereafter, claimant was asked to submit evidence establishing the charge, to which request claimant replied that it did not know that Cia Cubana de Electricidad was a corporation organized in the United States and that its claim was based on an open account receivable.

Section 505(a) of the Act provides, in part:

. . . . A claim under Section 503(a) of this title was based upon a debt or other obligation owing by any corporation, association, or other entity organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico shall be considered only when such debt or other obligation is a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

The Commission concludes that the asserted debt owing to the claimant does not come within Section 505(a) of the Act and that, therefore, the Commission is without authority to consider this claim.

After full consideration of the entire record, including claimant's objections, it is

ORDERED that the Proposed Decision be and is hereby affirmed.

Dated at Washington, D. C.,
and entered as the Final
Decision of the Commission

JAN 10 1968


Edward D. Re, Chairman


Theodore Jaffe, Commissioner

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OF THE UNITED STATES
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IN THE MATTER OF THE CLAIM OF

SANGAMO ELECTRIC COMPANY

Claim No. CU-1915

Decision No. CU **423**

Under the International Claims Settlement
Act of 1949, as amended

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, was presented by SANGAMO ELECTRIC COMPANY in the amount of \$8,701.73, based upon the asserted loss of payment for merchandise shipped to Cuba.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

The term 'property' means any property, right or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba and debts which are a charge on

property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

Section 502(1) of the Act defines the term "national of the United States" as "(B) a corporation or other legal entity which is organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, if natural persons who are citizens of the United States own, directly or indirectly, 50 per centum or more of the outstanding capital stock or other beneficial interest of such corporation or entity."

This claim, for \$8,701.73, is based upon the asserted loss of payment for merchandise shipped to the Havana office of Cia Cubana de Electricidad.

Section 505(a) of the Act provides:

. . . . A claim under Section 503(a) of this title based upon a debt or other obligation owing by any corporation, association, or other entity organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico shall be considered only when such a debt or other obligation is a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

The records of the Commission reveal that Cia Cubana De Electricidad is a corporation organized under the laws of the State of Florida. Therefore this claim can be considered only if the claimed debt is a charge upon property which was nationalized, expropriated, intervened, or taken by the Government of Cuba.

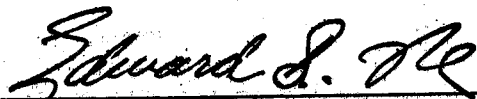
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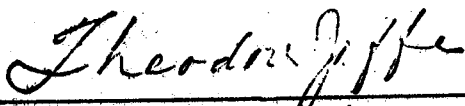
Claimant has neither alleged nor submitted evidence to establish that this debt was a charge upon property which was nationalized, expropriated, intervened, or taken by the Government of Cuba. Therefore the Commission is without authority to consider this claim, and it is hereby denied.

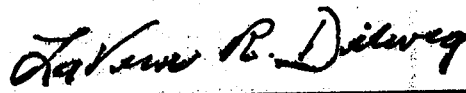
The Commission deems it unnecessary to make specific findings with respect to other elements of this claim.

Dated at Washington, D. C.,
and entered as the Proposed
Decision of the Commission

OCT 4 1967


Edward D. Re, Chairman


Theodore Jaffe, Commissioner


LaVern R. Dilweg, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g) as amended, 32 Fed. Reg. 412-13 (1967).)

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